

**MINUTES
TOWN MEETING
February 1, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.

Staff present were Cathy Willets, Town Clerk; and Dave Haller, Town Manager.

Absent:

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the February 1, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session

President O'Donnell announced the need for a closed executive session following adjournment of the March 7, 2016 meeting as permitted by the *Annotated Code of Maryland, State Government Article: Section 10-508 (a) Closed Meetings* to discuss a personnel matter.

Approval of Minutes

The Minutes of the January 20, 2016 Town Meeting were approved as presented.

Motion by Commissioner Sweeney Second by Commissioner Mellor

Vote 5 to 0 passed

Commissioner Comments

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Ritz III, Sweeney, O'Donnell, and Blanchard thanked Mr. Click and his crew for all his efforts for the snow removal. Commissioner Ritz III noted that the contractor responsible for North Gate did not do as nice a job as Town staff and he received numerous complaints. Commissioner Sweeney thanked Mr. Click for housing town staff during the snow storm. Commissioner Blanchard and Mayor Briggs attended the Ambulance Company banquet. Commissioner Blanchard thanked Councilman Donald for fighting to keep the snow removal budget at \$1.8 million. Commissioner O'Donnell noted in his travels during the storm many volunteers helping out their neighbors.

Mayor's Comments

Mayor Briggs noted that the Town was way ahead of the storm and staff did a terrific job during the snow storm. He attended the 2016 Mount Athletic Hall of Fame luncheon. The South Seton Ave. sidewalk project is scheduled for March/April 2016. Three separate programs going on in Town: bridge, square, and sidewalks. There will be a website presentation at the March meeting. Staff is hoping to have texting/email alerts to anyone who signs up. There will be a future presentation of GIS for total town. The Doughboy should be back in place no later than mid-March. There is an upcoming Solid Waste Forum to address that the landfill will be full by 2023. County Executive Gardner put a task force together which Mayor Briggs serves on. Staff is working on getting RFP for salvation of timber at the Scott Road Farm. E. Lincoln sidewalk - right of way agreement Seton to Chesapeake as well extend all the way to Creamery Rd. Staff is waiting on MOU from State. There will be a pool contract at the March 2016 meeting for your approval. Mr. Muir will be meeting with County and MSM about trail. The Mayor has a dog park presentation at the upcoming Parks and Rec meeting on February 16. The square project/sidewalk will now include 140 from Timbermill to North Ave. The sidewalk scheduled to be bid out September 2016 with construction to begin early 2017. Public hearing will be forthcoming in March. Bridge construction will begin in fall 2016 and is an 18 month project, however cannot work during trout season. FEMA - new water line turned on.

Administrative Business - Commissioner O'Donnell approached by the Moore organization. They are interested in applying for a trail grant in 2017. They are a non-profit to assist in continuing the trail program on Town's behalf. Consensus from board.

Consent Agenda - Consideration of Wendy Walsh to the Citizen's Advisory Committee
Motion to appoint Ms. Walsh to CAC made by Commissioner Mellor
Second by Commissioner Blanchard
Vote 5 to 0 passed

Reports:

Treasurer's Report – Commissioner Blanchard reported on cash activity through January 27, 2016

Planning Commission Report - Commissioner Sweeney reported that there was a re-organization of the Board: Patrick Boyle, Chairman; Keith Suerdieck, Vice Chairman; and John Howard, Secretary. On the agenda, there were two ordinances regarding set-backs and four ordinances regarding change from OS zone to Institutional. The ordinances are on the agenda.

II. Agenda Items

Audit report related to Town finances

Michelle Mills reported on the financial statement audit as well as the single audit for FY 2015. The Town received an unmodified opinion on the financial statement audit. Mrs. Mills stated this is "good." She noted financial highlights. The statement of net position - total assets just over \$42 million and 86% business type activities (water & sewer). The total liabilities just over \$8.9 million (government wide). The total net position was @ \$33 million which was a 12% increase from 2014. The Town has several funds which it tracks activities. The total fund balance at the end of FY 2015 was over \$1.1 million. The change in net position of governmental activities is \$118,127. The single audit - no material weakness in internal controls over financial reporting were identified. Commissioner O'Donnell asked if staff was forthcoming during the process and Mrs. Mills stated yes and there were no issues. Commissioner Ritz III said he needed more time to review the audit report and requested emailing Mr. Tabler or Mrs. Mills. She advised she could return if necessary.

Presentation related to possibility of additional plaque at Doughboy site

Public comment received by *Fred Wood (22 Pleasant Acre Dr. Thurmont)* representing American Legion Post 121 of Emmitsburg. The American Legion has concerns about the new plaque that has been talked about for the Doughboy statue. There has been worry about lack of communication between the Town and the Veterans groups. Mayor Briggs came to their last meeting where he explained some of the bureaucratic things the Town has to go through. Commissioner O'Donnell advised that the plaque is simply being considered but nothing decided. The statue is almost 90 years old and is a historic part of Emmitsburg. They are hoping for better communication in regards to the need for a second plaque or a better explanation of the current plaque which was put on in 1927. The society was different in 1927. It was a segregated society but yet these soldiers still felt this country was worth fighting for and that is what the plaque proves. The plaque shows that there were people of color who fought for our Country which shows their courage and character. He stated that the American Legion and VFW would like to be a part of anything moving forward.

Commissioner O'Donnell noted that this is only a discussion item. The Board will take

comments from both Mr. Wood as well as Mr. Lingg.

Comment was also received from Gene Lingg (*37 Park Drive Emmitsburg*) – a lifelong resident of Emmitsburg. He is representing the VFW Post 6658. He said they were under the impression that it has already been decided that the statue and plaque would be replaced in its original state. Why do we need a second plaque? The cultural and history should remain as they are. He said the current plaque shows a badge of courage - men of color that fought in WWI. He read in a paper that the Board was thinking of second plaque. The feel there is no need for a second plaque. Commissioner O'Donnell asked which paper he read about the second plaque - Mr. Ling stated he could not remember which paper he read it in the Emmitsburg, Thurmont or Frederick News Post. Commissioner O'Donnell clarified it was openly discussed and that no decision was ever made. There have been multiple views on the Board itself.

Commissioner Blanchard state he is a veteran of the armed forces, 15 year member of the American Legion and grandson of WWI veteran. He has a very strong connection to the statue. With 2017, it is the 100th anniversary of America's entry into WWI. Commissioner Blanchard presented an act by Congress in 2013 establishing a commission to commemorate the centennial of WWI. He stated one item of mention was the effort to bring attention to the thousands of memorials in communities all over the county that honor Americans who served in the war. Commissioner Blanchard suggested a second plaque dedicating the statue in 2016 and simply stating in a positive manner that the separation of the names by race in no way diminishes their service, bravery or dedication to the USA. He suggested that maybe additional signage could be placed at either the Doughboy site or the Community Center explaining what Doughboy statue is, what the meaning is, what is the history, etc. A copy of Commissioner Blanchard's presentation is entered as part of the agenda packet for the February 1, 2016 meeting. Commissioner Sweeney heard from both the American Legion and AMVETs and they did not want a second plaque at the Doughboy site. Commissioner Sweeney said he had no problem with additional information/signage at Community Center. Commissioner Mellor suggested putting information or panels at the kiosk at the square Commissioner Ritz III thanked everyone's comments suggested a public hearing in future. Commissioner Blanchard hoped all posts would get involved with laying a wreath once the Doughboy statue is put back up. Commissioner O'Donnell thanked Commissioner Blanchard for his effort and his viable thought on this issue. An interpretive sign as suggested by Commissioner Blanchard - public hearing.

Public Hearing for ordinances related to 16-01 & 16-02 and 16-03 through 16-06 related to modifying Open Space to Institutional

Commissioner O'Donnell announced moving to public hearing for ordinances related to 16-01 & 16-02 and 16-03 through 16-06. Ms. Cipperly stated that ordinances 16-01 and 16-02 were amended as a result of a citizen request related to set-backs. The ordinances were sent to the planning commission for review. Ms. Cipperly highlighted a few recommendations for 16-01. The planning commission added that the accessory structures can only be placed in rear yard not front. PC stated must have at least three feet from the side lot lines only when the lots are 30 feet or less. Commissioner Ritz III asked about the letter from Ms. Orndorff. Does this address her concerns about placing a shed in rear lot? Ms. Cipperly advised, "Yes." He also asked if Mr. French would now be in compliance with these new changes. Ms. Cipperly explained some of his buildings were over his property line. Ms. Cipperly reviewed the recommendations for 16-02. Ms. Cipperly advised 16-02 is the same as 16-01 but addresses the village zone while 16-01 addressed the B1 residential zone.

Motion by Commissioner Blanchard to accept Ordinances 16-01 and 16-02 as written

Second by Commissioner Sweeney
Vote 5 to 0 passed

Ms. Cipperly reviewed ordinances 16-03 through 16-06 which address modifying Open Space to Institutional. The change was already made in the 2015 Comp Plan. The planning commission reviewed these ordinances as well and recommended no changes to 16-03; 16-04 remove recreation areas and parks; 16-05 delete institutional from within definition and remove recreation areas and parks; and 16-06 insert educational, delete institutional and add schools. Commissioner Mellor asked on Ord. 16-06 17.28.020 letter B if parks, playgrounds, golf courses, etc should be included. Consensus of the Board and Ms. Cipperly agreed that everything in letter B should be removed except cemeteries.

Motion: - To accept ordinance 16-03
Motion by Commissioner Sweeney second by Commissioner Blanchard
Vote: 5 to 0 passed

Motion: - To accept ordinance 16-04
Motion by Commissioner Ritz III second by Commissioner Blanchard
Vote: 5 to 0 passed

Motion: - To accept ordinance 16-05
Motion by Commissioner Blanchard second by Commissioner Mellor
Vote: 5 to 0 passed

Motion: - To accept ordinance 16-06 as amended
Motion by Commissioner Blanchard second by Commissioner Ritz III
Vote: 5 to 0 passed

Public discussion of Pembroke Woods maintenance report

Commissioner O'Donnell stated requested Kendall Moore, 4030 Carrick Ct., president HOA, brought some maintenance issues to the Town hydrants, lighting, streets, etc. Mr. Moore stated that it has been 10-15 years since roads were put in. They have deteriorated. Mayor Briggs invited Mr. Muir to speak on the items that have been addressed. There are maintenance issues throughout Town that need to be addressed as well. Jim Click maintains a list of all maintenance that is needed. There is work currently being done in North Gate. The Town will add three children at play signs at Stonehurst, Carrick and Pembroke Courts. All the street lights in Emmitsburg are 40 watt LED except downtown which are 30 watt. There is no plan to upgrade the wattage. The Town would require a permit to update the community entrance signage and an additional sign would be paid for by the HOA. At this time, the Town will not allow additional signage to be attached to their street lights. Mr. Muir advised this is part of the code. Commissioner Mellor asked if service groups could paint the fire hydrants. Commissioner Ritz III also asked about Brookfield's hydrants and Mr. Click said they are on the list as well. Mr. Click said that is not a problem. Exhibit attached.

Set Agenda Items for March 7, 2016 Town Meeting

1. New website presentation
2. Pool contract
3. GIS presentation
4. Potential Citizen Advisory Committee recommendations related to nuisance ordinance

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the February 1, 2016 Town Meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Cathy Willets, Town Clerk

Approved: March 7, 2016